

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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WEINBERG,

Plaintiff,

v.

VON ESCHENBACH, et al.,

Defendants.

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Civil Case No. 07-1819 (FSH)

**ORDER OF REFERENCE  
TO MEDIATION**

Date: October 16, 2007

**HOCHBERG, District Judge**

The District Court for the District of New Jersey having adopted Local Civil Rule 301.1 establishing a program for mediation of complex civil actions, as well as any other civil action with consent of all parties and the District or Magistrate Judge; it appearing that mediation would conserve the resources and be in the best interests of the Court and the parties; and the parties having agreed;

**IT IS** on this 16th day of October,

**ORDERED**, that:

- a. This civil action be and it is hereby referred to mediation by order of the Court, consistent with Local Rule 301.1;
- b. Counsel and the parties shall participate in mediation and shall cooperate with the mediator, who shall be designated by the Court;
- c. Counsel and the parties (including individuals with settlement authority) shall attend mediation sessions as requested by the mediator;

- d. The mediator may meet with counsel and parties jointly or ex parte. All information presented to the mediator shall be deemed confidential, unless requested otherwise, and shall not be disclosed by any one, including the mediator, without consent, except as necessary to advise the court of an apparent failure to participate. The mediator shall not be subject to subpoena by any party. No statements made or documents prepared for mediation shall be disclosed in any subsequent proceeding or construed as an admission;
- e. All proceedings (including motion practice and discovery) are hereby stayed for a period of SIXTY (60) days. Any application for an extension of the stay shall be made jointly by the parties and the mediator and shall be considered by the referring Judge or Magistrate Judge.
- f. Once mediation is complete, parties shall contact Magistrate Judge Shwartz to schedule a status conference.

/s/ Faith S. Hochberg  
HON. FAITH S. HOCHBERG, U.S.D.J.

cc: Hon. Madeline Cox Arleo, U.S.M.J.  
Carol Coleman